
NATURAL RESOURCES COMMISSION
Information Bulletin #22 (First Amendment)

SUBJECT: Petitioning for a Seaplane Base on Public Waters

1. History:

The initial information bulletin became effective January 1, 1999, and was published at 22 IR 1293. This information bulletin is amended to correct citations and to reflect current practice.

2. Purpose

The purpose of this information bulletin is to implement an informal process for the administrative review of a petition made to the Department of Natural Resources to establish a public-use seaplane base or a private-use seaplane base on a navigable waterway, a public freshwater lake, a lake or reservoir owned or leased by the department, or another public waterway (collectively referred to as "any public waterway").

3. Seaplane Base Petitions

A person who wishes to establish a public-use seaplane base or a private-use seaplane base on any public waterway shall file a petition addressed as follows:

Division of Law Enforcement
Department of Natural Resources
Indiana Government Center-South
402 West Washington Street, Room W255D
Indianapolis, IN 46204

The petition shall identify the waterway by name and county. The petition shall also set forth any limitation to the proposed seaplane base, including those of geography or season. The mailing address and telephone number of the petitioner must be included. In addition, the petition shall set forth any purpose or benefit to be served by establishing a seaplane base.

The petition shall specify whether the purpose would be as a public-use seaplane base or as a private-use seaplane base. A "public-use seaplane base" is an airport that uses the surface of a waterway as a landing site for an airport at which flight operations by the general public are invited, encouraged, or allowed without prior authorization and that usually has commercial operations. A "private-use seaplane base" is an airport that is for the exclusive use of the owner or other persons specifically authorized by the owner. If the petition is for a private-use seaplane base, the petition shall identify by name or by class description who would be authorized to use the base.

The person shall serve a copy of the petition upon any municipality in which the base would be located and a representative of the county commissioners or other entity serving as the county executive for the county in which the base would be located. This copy must provide the address of the Division of Law Enforcement and must inform the recipient of a reasonable time period, but not less than 21 days, in which to make comments on the petition to the Division of Law Enforcement.

4. Processing Seaplane Base Petitions

Upon receiving a request, the Division of Law Enforcement will inform other persons known by the division to have an interest in the petition. Included among these are the Aeronautics Section of the Indiana Department of Transportation and other divisions of the Department of Natural Resources. The Division of Law Enforcement may also advise representatives of lake associations or property owner associations concerned with the waterway on which the base would be located.

In evaluating the petition, the Department of Natural Resources shall consider hazard to safety or the environment, as well as any impact the seaplane base is likely to have upon other public use and enjoyment of the waterway. These considerations shall be measured in relation to any purpose or benefit to be served by establishing a seaplane base. The Department may, in its discretion, conduct a public hearing under [312 IAC 2-3](#) to receive information relevant to evaluating the petition.

Upon completion of the evaluation, the Division of Law Enforcement shall make a report of its investigation and findings. The report shall acknowledge that approval of a seaplane base is subject to subsequent review by the Indiana Department of Transportation under [IC 8-9.5](#) and [105 IAC 3-3](#). The report shall be forwarded to Director of the Division of Law Enforcement for final agency action by the Department of Natural Resources. Copies shall also be provided to the petitioner, the Aeronautics Section of the Indiana Department of Transportation, and to any interested person who requests service. The report shall either recommend approval of the petition, approval of the petition with conditions, or denial of the petition.

5. Final Agency Determination by the Department of Natural Resources

The Division Director shall, as soon as practicable after receiving the report, make a final agency determination for the Department, with service upon the same persons as received service of the report by the Division of Law Enforcement. The determination shall include a notification that an affected person may seek administrative review of the action by the Natural Resources Commission under [IC 4-21.5](#) and [312 IAC 3-1](#). The determination, and any administrative review of the determination by the Commission, shall specify that it is, under [IC 4-21.5-3-30](#), subject to subsequent review by the Indiana Department of Transportation.

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